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Patentee(s): Y. KATAYAMA, et al
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For: APPARATUS AND METHOD FOR ERROR CORRECTION
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STATEMENT OF LAW

Commissioner for Patents
Washington, D.C. 20231

Sir:

I, Tsuneaki Koike, an attorney at law having an office at
c/o Asamura Patent Office, Room 331-340, New Ohtemachi
Building, 2-1, Ohtemachi 2-chome, Chiyoda-ku, Tokyo, Japan,
state that I am duly recognized to practice law in Japan and
am familiar with the law of this jurisdiction.

With respect to the proprietary interest asserted in this
invention by Yukie Miyazawa, residing at 2-111-9, Mutsukawa,
Minami-ku, Yokohama-shi, Kanagawa-ken, 232-0066, Japan, I have
studied the statements filed in this application with respect
to the facts by the inventor Shoichi Miyazawa (deceased).

According to the laws of Japan, the right to the patent
for this invention would be awarded to his successors Shoichi

Miyazawa.

My reasons for reaching this conclusion are as follows:

According to the Civil Code of Japan, the successors are the children (art. 887) and spouse (art. 890) of a deceased.

Successors succeed to all the rights and duties pertaining to the property of the deceased, excepting such property that is entirely personal to the deceased (art. 896).

According to the family register, Yukie Miyazawa and three children, Maki Miyazawa, Ryo Miyazawa and Mitsu Miyazawa are the surviving successors of Shoichi Miyazawa but three children are minors and they are subjected to the parent power of their mother, Yukie Miyazawa. Therefore, execution of the document can solely be done by Yukie Miyazawa.

Date: July 27, 2000.

Tsuneaki Koike
Tsuneaki Koike
Attorney at Law

Accompanying Documents:

- 1) Related articles of Civil Code of Japan
- 2) English translation of the related articles of Civil Code of Japan

第六章 扶養

第八七七条 扶養義務者 ① 直系血族及び兄弟姉妹は、互に扶養をする義務がある。

② 家庭裁判所は、特別の事情があるときは、前項に規定する場合の外、三親等内の親族間においても扶養の義務を負わせることができる。

③ 前項の規定による審判があつた後事情に変更を生じたときは、家庭裁判所は、その審判を取り消すことができる。

第九五五条 二親等以上の親族 (三三) 親族間の互助 (七五二) 夫婦の協力扶助 (一七八八) 扶養義務の懈怠 (八四〇) 離婚原因 (二二八) 二九一遺棄罪 (二九七) 七六(親族) 七五(家庭裁判所の処理) 家審九〇乙三、一七、家審九四九八、扶養と生活保護と生活保護一、四、七七

第八七八条 扶養の順位 扶養をする義務のある者が数人ある場合において、扶養をすべき者の順序について、当事者間に協議が調わないとき、又は協議をすることができないときは、家庭裁判所が、これを定める。扶養を受ける権利のある者が数人ある場合において、扶養義務者の資力がその全員を扶養するに足りないとき、扶養を受けるべき者の順序についても、同様である。

第九五五(九五五) 八七七、八八〇「家庭裁判所の処理」家審九〇乙三、一七、家審九四九八

第八七九条 扶養の程度又は方法 扶養の程度又は方法について、当事者間に協議が調わないとき、又は協議をすることができないときは、扶養権利者の需要、扶養義務者の資力その他一切の事情を考慮して、家庭裁判所が、これを定める。

第九五五(九五五) 八七七、八七八、八八〇「家庭裁判所の処理」家審九〇乙三、一七、家審九四九八

三、詐欺又は強迫によつて、被相続人が相続に関する遺言をし、これを取り消し、又はこれを変更する(二二)を妨けた者

事情に変更を生じたときは、家庭裁判所は、その協議又は審判の変更又は取消をすることができる。

第九六二条 八七八、八七九「家庭裁判所による取消し」家審九〇乙三、一七、家審九四九八「本案の適用」附二四、家審附二、旧法下の扶養に関する判決の取消し、変更

第八八一一条 扶養請求権の処分の禁止 扶養を受ける権利は、これを処分することができない。

第九六三(九六三) 債権の譲渡性(四六六)「処分の禁止」八九六「非相続性」五〇一「相殺の禁止」民一五二①「差押禁止」破産と扶養請求権(破六)「破産財団から除外」破四七三「時價償還」破一九二、一九四

第五編 相続 昭和二三法三三本編全部改正

第二章 相続人

第八八二条 相続開始の原因 相続は、死亡によつて開始する。

第九九二(九九二) 「死亡」三三、三〇「失踪宣告による死亡」三三、三二「同時死の推定」死亡、失踪の届出、四六六「相続の効力」八九六

第八八三条 相続開始の場所 相続は、被相続人の住所において開始する。

第九九三(九六五) 「住所」二二「相続開始地の効果」民訴五五、家審九四、二二〇「破一〇六」裁判権「相続」相続の賦課

第八八四条 相続回復請求権 相続回復の請求権は、相続人又はその法定代理人が相続権を侵害された事実を知つた時から五年間これを行使しないときは、時効によつて消滅する。相続開始の時から二十年を経過したときも、同様である。

第九九三(九六五) 「相続回復の請求」民訴五五、裁判官「法定代理人」一八八、八八九「親権者」八三九「八四〇」後見人「相続開始の時」八八二

② 前項の規定は、廃除の取消にこれを準用する。

第九九四(九〇〇、九七六) 八九二、八九三、八九五「家庭裁判所の処理」家審九〇乙三、一七、家審九四九八

第八八五条 相続財産に関する費用 ① 相続財産に関する費用は、その財産の中から、これを支弁する

第九九四(九〇〇、九七六) 八九二、八九三、八九五「家庭裁判所の処理」家審九〇乙三、一七、家審九四九八

第二章 相続人

第八八六条 胎児の相続能力 ① 胎児は、相続に就いては、既に生まれたものとみなす。

② 前項の規定は、胎児が死体で生まれたときは、これを適用しない。

第九九三(九六六) 「権利能力の始期」一ノ三「原則」

第八八七条 子及びその代襲者 ① 被相続人の子は、相続人となる。

② 被相続人の子が、相続の開始以前に死亡したとき、又は第八百九十一条の規定に該当し、若しくは廃除によつて、その相続権を失つたときは、その者が子にこれを代襲して相続人となる。但し、被相続人の直系卑属でない者は、この限りでない。

③ 前項の規定は、代襲者が、相続の開始以前に死亡し、又は第八百九十一条の規定に該当し、若しくは廃除によつて、その代襲相続権を失つた場合にこれを準用する。

第九九四(九〇〇、九七六) 八九二、八九三、八九五「家庭裁判所の処理」家審九〇乙三、一七、家審九四九八

第八八八条 代襲相続 ① 左に掲げる者は、第八百八十七条の規定によつて相続人となるべき者がいない場合には、左の順位に従つて相続人となる。

第一 直系尊属 但し、親等の異なる者の間では、その近い者を先にする。

第二 兄弟姉妹

第九九四(九〇〇、九七六) 八九二、八九三、八九五「家庭裁判所の処理」家審九〇乙三、一七、家審九四九八

第八八九条 直系尊属、兄弟姉妹 ① 左に掲げる者は、第八百八十七条の規定によつて相続人となるべき者がいない場合には、左の順位に従つて相続人となる。

第一 直系尊属 但し、親等の異なる者の間では、その近い者を先にする。

第二 兄弟姉妹

第九九四(九〇〇、九七六) 八九二、八九三、八九五「家庭裁判所の処理」家審九〇乙三、一七、家審九四九八

第八九〇条 配偶者 被相続人の配偶者は、常に相続人となる。この場合において、前条の規定によつて相続人となるべき者がいるときは、その者と同一順位とする。

第九九四(九〇〇、九七六) 八九二、八九三、八九五「家庭裁判所の処理」家審九〇乙三、一七、家審九四九八

分は、四分の一とする。昭和五五法五一(本改正) 四子、直系尊属又は兄弟姉妹が数人あるときは、各自の相続分は、相等しいものとする。但し、嫡

の所有權は、前条の規定にかかわらず、慣習に従つて祖先の祭祀を主宰すべき者がこれを承継する。但

て祖先の祭祀を主宰すべき者がこれを承継する。但

三 香位者及び兄弟姉妹が相続人であるとき、
偶者の相続分は、四分の三とし、兄弟姉妹の相続

定、分割禁止、九〇八、遺贈、九六四、遺留分に關する規定、一〇二八、一〇四四

BOOK V SUCCESSION

CHAPTER I GENERAL PROVISIONS

(Opening of succession—cause)

Article 882. Succession is opened by reason of death.

(Ibid—place)

Article 883. Succession is opened at the permanent residence of the person to be succeeded to.

(Right to demand recovery of succession)

Article 884. The right to demand recovery of succession shall be extinguished by prescription, if it is not exercised within five years from the time when the successor or the legal representative became aware of the facts constituting a violence of the right of succession. The same shall also apply if twenty years have elapsed from the time of the opening of the succession.

(Expenses relating to succeeded property)

Article 885. Expenses relating to the property succeeded to shall be defrayed out of such property; excepting, however, such as are caused by the negligence of the successor.

2. A person entitled to a legally secured portion cannot be compelled to defray the expenses mentioned in the preceding paragraph out of any property acquired thereby through an abatement of gifts.

CHAPTER II SUCCESSORS

(Capacity of unborn child in respect of succession)

Article 886. A child en ventre sa mere shall, in respect of succession, be deemed to have been already born.

2. The provisions of the preceding paragraph shall not apply in cases where the child en ventre sa mere is born dead.

(Children, succession by representation)

Article 887. Children of a person to be succeeded to become successors.

2. If a child of a person to be succeeded to had died previous to the opening of the succession, or lost the right of succession due to falling under the provision of Article 891 or due to disinheritance, the children of such person become successors by virtue of succession by representation. Provided that this shall not apply to those who are not lineal descendants of the person to be succeeded to.

3. The provision of the preceding paragraph shall apply mutatis mutandis in the case where a successor by representation had died previous to the opening of the succession, or lost the right of suc-

cession by representation due to falling under the provision of Article 891 or due to disinheritance.

Article 888. Deleted.

(Lineal ascendants, brothers and sisters)

Article 889. In cases where there exists no person who is to become successor in accordance with the provision of Article 887, the persons mentioned below become successors in the order as follows:

(I) Lineal ascendants; provided that as between persons standing in different degree of relationship, those nearer in degree are preferred;

(II) Brothers and sisters.

2. The provisions of Article 887 paragraph 2 shall apply mutatis mutandis in the case mentioned in item (II) of the preceding paragraph.

(Spouse)

Article 890. The spouse of a person succeeded to becomes, in every case, a successor. In this case, if there is any person who is to become a successor in accordance with the provisions of the preceding three Articles, the order of succession of the spouse shall be in the same rank with such person.

(Incapacity for succession)

Article 891. None of the persons mentioned below can become an successor:

- (1) Any person who has been sentenced to punishment for having intentionally caused or attempted to cause the death of the person to be succeeded to, or of any person who has a prior or the same rank with respect to the succession;
- (2) Any person who, knowing that the person to be succeeded to has been killed by homicide, has omitted to give information or to bring a formal charge; excepting, however, cases where such person has no capacity to discern right and wrong, or when the guilty party is the spouse or a lineal relative by blood of such person;
- (3) Any person who has, by fraud or duress, prevented the person to be succeeded to from making, revolving or altering a will relating to the succession;

CHAPTER III EFFECT OF SUCCESSION

Section 1 General Provisions

(General effect of succession)

Article 896. A successor succeeds, as from the time of the opening of the succession, to all the rights and duties pertaining to the property of the person succeeded to; excepting, however, such as are entirely personal to that person.

(Succession of genealogical records, etc.)

Article 897. Notwithstanding the provisions of the preceding Article, the ownership of genealogical records, of utensils of religious rites and of tombs and burial grounds is succeeded to the person who is, according to custom, to hold as a president the worship to the memory of the ancestors. If, however, the person succeeded to has designated the person who is to hold as a president the worship to the memory of the ancestors, such person shall succeed to that ownership.

2. In cases the custom mentioned in the preceding paragraph is unknown, the person who is to succeed to the right mentioned in the preceding paragraph shall be determined by the Family Court.

(Co-succession)

Article 898. In cases there exist two or more successors the property succeeded to is in their co-ownership.

(Ibid—effect)

Article 899. Each co-successor succeeds to the rights and duties of the person succeeded to in proportion to the share in the succession.

Section 2 Shares in Succession

(Statutory shares in succession)

Article 900. If there exist two or more successors in the same rank, their shares in the succession shall be determined in accordance with the following provisions:

- (1) Where children and the spouse are successors, the shares in the succession of the children and that of the spouse shall respectively be one-half;
- (2) Where the spouse and lineal ascendants are successors, the share in the succession of the spouse shall be two-thirds, and those of the lineal ascendants shall be one-third;
- (3) Where the spouse and brothers and sisters are successors, the share in the succession of the spouse shall be three-